GOVERNMENT OF ANDHRA PRADESH
ABSTARCT

Public Services - Registration & Stamps Department – Allegations of disproportionate assets against Sri D.Prabhakara Rao, former Sub-Registrar, Vijayawada, Krishna District (Retd) – Criminal case C.C.No.9/1993 - Convicted – Appeal No.239/1997 – Dismissed - SLP No.647/2006 – Allowed - Hon`ble Trail Court and High Court orders set aside by Supreme Court on benefit of doubt – Suspension period regularized as 'not on duty' – Accused Officer filed OA No.5926 of 2015 – Instructions - Exonerated from Criminal Case – Orders – Issued.

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period spent on “Deemed Suspension” and further observed that the Accused Officer was involved in a grave charge of Disproportionate Assets and his suspension could not be treated as wholly unjustified and accordingly, treated both the periods, i.e., Suspension period and Deemed Suspension period (i.e., from 04-03-1983 to 19-08-1997 and from 20-08-1997 to 31-12-1999) as “Not on Duty”.

4. Whereas Sri D.Prabhakar Rao former Sub Registrar (now retired) aggrieved by the above orders, filed OA No.5926 of 2015 among others to treat the entire period, (i.e., suspension period and the deemed suspension period) as duty and to release the pensionary benefits. The Hon`ble Tribunal has passed on 26-07-2018 and observed that the Accused Officer was kept under suspension on registering Anti Corruption Bureau case against him and arrested on the ground that he was possessing assets which were disproportionate to his known sources of income. After investigation, Anti Corruption Bureau filed charge sheet against applicant after obtaining sanction order from Government. After trial he was convicted with imprisonment and fine. On appeal High court confirmed the same. When the matter went before Hon`ble Supreme Court, the Supreme Court allowed Criminal Appeal giving benefit of doubt to applicant. Only because of final verdict of Supreme Court, applicant is able to move around without going to jail and his dismissal order was set aside. But at the same time applicant was not entitled for treating suspension, including deemed suspension period as duty unless he is able to establish that suspension was wholly unjustified. When prosecuting agency, Trail Court and First Appellate Court came to conclusions against applicant, it cannot be said that applicant’s suspension was wholly unjustified, simply because in further appeal before Supreme Court, the applicant was able to secure acquittal on ground of benefit of doubt and not on merits. Therefore impugned Government Memo dated 17-09-2012 is in accordance with rules and it is not liable to be set aside in the OA and held that he is entitled for pensionary benefits as per rules depending upon his qualifying service under Andhra Pradesh Revised Pension Rules, 1980 the Hon`ble Tribunal has finally partly dismissed the OA and directed to release pensionary benefits to applicant, vide reference 7th read above.

5. Accordingly, the Government after examining the same, have requested the Director & Inspector General, Registration & Stamps, Vijayawada and the Deputy Inspector General, Registration & Stamps, Eluru to take necessary action for release of penisonary benefits to the above individual, vide reference 8th read above. Further the Deputy Inspector General, Registration & Stamps, Eluru, vide reference 9th read above has requested the Government to inform whether Sri D.Prabhakar Rao, former SR (now retired) has been exonerated for taking necessary action in the matter and also to clarify the date of qualifying service to be counted for release of pensioanry benefits.

6. After careful examination of the matter, it is observed that the Hon`ble Supreme Court in its judgment dated 01-02-2011 in SLP No.647/2006 held that the appellant (Accused Officer) was entitled to benefit of doubt and allowed the appeal and set aside judgments of Hon`ble High Court and Trial Court.

7. The Government after careful examination of the matter and considering the entire issue hereby exonerate Sri D.Prabhakar Rao former Sub Registrar (now retired) from the criminal case registered against him on the allegations of acquisition of disproportionate assets, as the judgments passed by the Hon`ble Trial Court and Hon`ble High Court are set aside by the Hon`ble Supreme Court giving benefit of doubt to the individual.

Contd.,3

8. The Director & Inspector General, Registration & Stamps, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA RADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri D.Prabhakara Rao, Sub-Registrar (now retired), R/o.H.No.59-13-36, Gayathrinagar, Vijayawada – 521 601. (**through** Director & Inspector General, Registration & Stamps, Vijayawada. With a request to serve the G.O to the individual and furnish the served copy with dated acknowledgement for record).

The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Secretariat Building No.5, Velagapud.

The Director General, Anti-Corruption Bureau, Andhra Pradesh, Pandit Nehru Bus Stand, NTR Administrative Block, 2nd Floor, Vijayawada.

The Accountant General, Andhra Pradesh, Hyderabad.

The Director, Treasuries & Accounts, Andhra Pradesh, Vijayawada.

The District Treasury Officer, West Godavari District / Vijayawada.

The Deputy Inspector General, Registration & Stamps, Eluru, West Godavari District.

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER